

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
Plaintiff,  
vs.  
Brenden William Vermilyea,  
Defendant.

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CR 13-196-TUC-CKJ (BPV)  
**ORDER  
CONTINUING PLEA DEADLINE  
AND TRIAL**

This case is presently set for trial on April 30, 2013. The Defendant filed a motion to continue and, for the reasons set forth therein, additional time is required to adequately prepare for trial. The Government has no objection to a continuance.

The Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and the Defendant in a speedy trial because, for the reasons set forth in the motion, failure to grant the continuance is likely to result in a miscarriage of justice if the Defendant is required to go to trial on the present trial date.

IT IS ORDERED as follows:

1. The date by which the referred magistrate judge hears the change of plea must be no later than May 17, 2013 by 3:00 p.m.

2. All motions, unless made during a hearing or trial, shall be in writing and shall be made sufficiently in advance of trial to comply with the time periods set forth in LRCiv. 7.2 and any court order and to avoid any delays in the trial. Pretrial motions may be heard before a magistrate judge and a Report and Recommendation will be provided to the district judge assigned to the case.

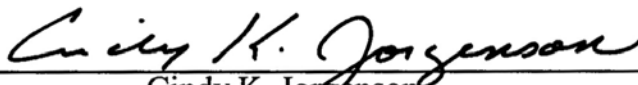
1           3. This matter is RESET for trial on **June 4, 2013 at 9:30 a.m.** Counsel are to be  
2 **present at 9:00 a.m.**

3           4. Excludable delay under 18 U.S.C. §3161(h)(7) is found to commence on  
4 May 1, 2013 and end on June 4, 2013. Such time shall be in addition to other excludable  
5 time under the Speedy Trial Act and shall commence as of the day following the day that  
6 would otherwise be the last day for commencement of trial.

7           5. That any and all subpoenas previously issued shall remain in full force and  
8 effect through the new trial date.

9           6. **Any motion or stipulation to continue the scheduled trial date and change**  
10 **of plea deadline shall be filed with the Clerk of Court no later than 5:00 p.m.,**  
11 **Monday, May 20, 2013. Alternatively, by that same deadline, if after consultation**  
12 **between government and defense counsel it is determined that a motion to continue**  
13 **the scheduled trial date and change of plea deadline will not be filed, government**  
14 **counsel shall notify the Court by an email to the chambers email address that the**  
15 **case and counsel are ready to proceed to trial on the scheduled trial date. The**  
16 **notification shall also include the estimated number of trial days needed to complete**  
17 **the trial.**

18           DATED this 15th day of April, 2013.

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Cindy K. Jorgenson  
23 United States District Judge  
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